

State of Utah 110(a)(2) SIP Infrastructure Elements for NO₂

Section 110(a)(2)(A): Emission Limits and Other Control Measures

Requirement Summary

"Each such plan shall. . . include enforceable emission limitations and other control measures, means, or techniques (including economic incentives such as fees, marketable permits, and auctions of emissions rights), as well as schedules and timetables for compliance, as may be necessary or appropriate to meet the applicable requirements of this chapter."

Utah's Infrastructure

SIP Section 1 (*Legal Authority*) identifies the statutory provisions that allow adoption of standards and limitations for attainment and maintenance of national standards. This section of the SIP was codified at R307-110-2, and EPA approved it most recently on June 25, 2003 at 68 FR 37744.

SIP Section IX Part E (*Control Measures for Area and Point Sources: Nitrogen Dioxide*) identifies Control Measures for Sources of nitrogen dioxide (NO₂). This section of the SIP was developed in the late 1970s. The NO₂ standard has been met continually since that time. Therefore the SIP does not establish any emission limitations or control strategies for NO₂. SIP Section IX Part E was codified at R307-110-14, and EPA approved the SIP most recently on June 25, 2003 at 68 FR 37744.

SIP Section II (*Review of New and Modified Air Pollution Sources*) provides that new or modified sources of air pollution must submit plans to the Utah Division of Air Quality and receive approval orders before operating. SIP Section II was codified at R307-110-3, and EPA approved the SIP most recently on June 25, 2003 at 68 FR 37744. The Utah Air Quality Rule R307-401 establishes a minor source permitting program in the state for new and modified sources, and was most recently approved by EPA on May 5, 1995 at 60 FR 22277.

SIP Section VIII (*Prevention of Significant Deterioration*) was established as required by the Clean Air Act and applies to all air pollutants regulated under the CAA. SIP Section VIII was codified at R307-110-9 and R307-405, and EPA approved it most recently on July 15, 2011 at 76 FR 41712. On April 14, 2011 Utah submitted revisions to R307-405 to incorporate the federal Tailoring Rule provisions that were promulgated on June 3, 2010. EPA has not yet acted upon this submittal.

Section 110(a)(2)(B): Ambient Air Quality Monitoring or Data System

Requirement Summary

"Each such plan shall. . . provide for establishment and operation of appropriate devices, methods, systems, and procedures necessary to (i) monitor, compile, and analyze data on ambient air quality, and (ii) upon request, make such data available to the Administrator."

Utah's Infrastructure

SIP Section IV (*Ambient Air Monitoring Program*) outlines Utah's air quality surveillance network that meets the provisions of 40 CFR Part 58. This section of the SIP was codified at R307-110-5, and EPA approved it most recently on June 25, 2003 at 68 FR 37744. Utah prepares an Annual Network Review as required by 40 CFR 58.10. The plan is made available for public comment and is submitted to EPA by July 1st of each year. DAQ submits data to EPA's Air Quality System (AQS) as required by 40 CFR Part 58.

On January 22, 2010 EPA strengthened the NAAQS for NO₂. All sites in Utah are monitoring attainment of the revised standard. EPA also modified the monitoring requirements for NO₂. One community-wide monitoring site is required in Utah, and the Hawthorne site was selected to meet this requirements. One monitoring site is required to protect sensitive and vulnerable populations and the Ogden site was selected to meet this requirement. Finally, near-road monitoring was originally required beginning in 2013. On October 5, 2012 EPA proposed revisions that would phase in the near-road monitoring requirements over several years. UDAQ anticipates that this rule will be finalized in the near future. EPA identified the Salt Lake-Davis MSA as a phase I implementation area. Funding from EPA to locate a near-road site in this MSA is expected in the near future. The site is expected to be up and running by January 1, 2014 as required by the rule. Phase 2 sites are required to be operational by 2017 and will be addressed through the annual network review process.

Section 110(a)(2)(C): Programs for Enforcement, PSD, and NSR

Requirement Summary

"Each such plan shall. . . include a program to provide for the enforcement of the measures described in subparagraph (A), and regulation of the modification and construction of any stationary source within the areas covered by the plan as necessary to assure that national ambient air quality standards are achieved, including a permit program as required in parts C and D of this subchapter."

Utah's Infrastructure

SIP Section I (*Legal Authority*) identifies the statutory provisions that allow DAQ to prevent construction, modification or operation of any stationary source at any location where emissions from such source will prevent the attainment or maintenance of a national standard or interfere with prevention of significant deterioration requirements (See I.A.1.d). SIP Section I was codified at R307-110-2, and EPA most recently approved the SIP on June 25, 2003 at 68 FR 37744.

SIP Section II (*Review of New and Modified Air Pollution Sources*) provides that new or modified sources of air pollution must submit plans to the Utah Division of Air Quality and receive approval orders before operating. SIP Section II was codified at R307-110-3, and EPA approved the SIP most recently on June 25, 2003 at 68 FR 37744. The Utah Air Quality Rule R307-401 establishes a minor source permitting program in the state for new and modified sources. R307-401 was most recently approved by EPA on May 5, 1995 at 60 FR 22277.

SIP Section VIII (*Prevention of Significant Deterioration*) was established as required by the Clean Air Act and applies to all air pollutants regulated under the CAA. SIP Section VIII was codified at R307-110-9 and R307-405, and EPA approved it most recently on July 15, 2011 at 76 FR 41712. On April 14, 2011 Utah submitted revisions to R307-405 to incorporate the federal Tailoring Rule provisions that were promulgated on June 3, 2010. EPA has not yet acted upon this submittal.

Utah's permitting rules require sources to install best available control technology (BACT) for all pollutants, including NO₂.

Section 110(a)(2)(D)(i): Interstate Transport Provisions

Requirement Summary

"Each such plan shall ... contain adequate provisions: prohibiting, consistent with the provisions of this subchapter, any source or other type of emissions activity within the state from emitting any air pollutant in amounts which will contribute significantly to nonattainment in, or interfere with maintenance by, any other state with respect to any such national primary or secondary ambient air quality standard, or interfere with measures required to be included in the applicable implementation plan for any other state under part C of this subchapter to prevent significant deterioration of air quality to protect visibility."

Utah's Infrastructure

SIP Section VIII (PSD) and Utah Air Quality Rule R307-405 hold new major sources and major source modifications subject to the Prevention of Significant Deterioration program outlined at 40 CFR 51.166. SIP Section VIII was codified at R307-110-9, and EPA approved it and rule most recently on July 15, 2011 at 76 FR 41712. On April 14, 2011 Utah submitted revisions to R307-405 to incorporate the federal Tailoring Rule provisions that were promulgated on June 3, 2010. EPA has not yet acted upon this submittal.

On November 19, 2012 EPA Assistant Administrator Gina McCarthy issued a memorandum titled *Next Steps for Pending Redesignation Requests and State Implementation Plan Actions Affected by the Recent Court Decision Vacating the 2011 Cross-State Air Pollution Rule*. This memorandum outlined EPA's intention to abide by the Court decision that a SIP cannot be deemed deficient for failing to meet the good neighbor obligation in Section 110(a)(2)(D)(i) of the CAA before the EPA quantifies that obligation. EPA has not yet quantified Utah's good neighbor obligation under the 2011 NO₂ standard and therefore Utah's infrastructure SIP is adequate.

Section 110(a)(2)(D)(ii): Interstate and International Transport Provisions

Requirement Summary

"Each such plan shall. . . contain adequate provisions insuring compliance with the applicable requirements of sections 115 or 126 (b) that involve NO₂ emissions (relating to interstate and international pollution abatement)."

Utah's Infrastructure

EPA has not identified any NO₂ sources in Utah that endanger public health or the welfare of a foreign country. Therefore, Utah is not subject to Section 115 of the Clean Air Act.

SIP Section VIII (*Prevention of Significant Deterioration*) was established as required by the Clean Air Act and applies to all air pollutants regulated under the CAA. In accordance with 40 CFR 51.166(q)(2)(iv), SIP Section VIII requires the Director to notify neighboring states of potential impacts from new major sources or major modifications of NO₂. SIP Section VIII was codified at R307-110-9 and R307-405, and EPA approved it most recently on July 15, 2011 at 76 FR 41712. On April 14, 2011 Utah submitted revisions to R307-405 to incorporate the federal Tailoring Rule provisions that were promulgated on June 3, 2010. EPA has not yet acted upon these revisions. The PSD SIP and R307-405 contain adequate provisions to be in compliance with Section 126 of the Clean Air Act.

SIP Section XX (Regional Haze) determined that sources in Utah do not interfere with visibility plans developed by other states. Utah consulted with other states in the Western Regional Air Partnership and reductions in emissions from Utah were included in the regional visibility modeling. Authority for this section is located in Section 19-2-104, UCA. SIP Section XX was codified at R307-110-28. EPA signed a notice to approve the majority of Utah's Regional Haze plan in December 2012, but has not yet published this final action in the FR. In the same action, EPA disapproved the Best Available Retrofit Technology (BART) determinations for NO_x and PM for four subject to BART Electric Generating Units (EGUs). UDAQ is currently preparing a new 5-Factor BART analysis for these four EGUs to address the deficiencies identified in EPA disapproval.

Section 110(a)(2)(E)(i): Adequate Personnel, Funding, and Authority

Requirement Summary

"Each such plan shall. . . provide: (i) necessary assurances that the state (or, except where the Administrator deems inappropriate, the general purpose local government or governments, or a regional agency designated by the state or general purpose local governments for such purpose) will have adequate personnel, funding, and authority under state (and, as appropriate, local) law to carry out such implementation plan (and is not prohibited by any provision of federal or state law from carrying out such implementation plan or portion thereof)"

Utah's Infrastructure

SIP Section V (*Resources*) commits to implement program activities in relation to resources provided by the annual State or EPA Agreement and Section 105 grant applications. SIP Section V (*Resources*) was codified at R307-110-6, and EPA approved it most recently on June 25, 2003 at 68 FR 37744.

Utah Air Quality Rule R307-414, *Permits: Fees for Approval Orders*, requires the owner and operator of each new major source or major modification to pay a fee sufficient to cover the reasonable costs of reviewing and acting upon the notice of intent and implementing and enforcing requirements placed on such source by any approval order issued.

Section 110(a)(2)(E)(ii): Adequate Personnel, Funding, and Authority

Requirement Summary

"Each such plan shall. . . provide . . . (ii) requirements that the state comply with the requirements respecting state boards under section 128."

Utah's Infrastructure

SIP Section I (*Legal Authority*) identifies the statutory provisions that implement the provisions of Section 128 of the Clean Air Act respecting State Boards (See I.A.1.g). SIP Section I was codified at R307-110-2, and EPA approved it most recently on June 25, 2003 at 68 FR 37744. Authority for SIP Section I is located at Section 19-2-104, UCA.

Section 110(a)(2)(E)(iii): Adequate Personnel, Funding, and Authority

Requirement Summary

"Each such plan shall. . . provide . . . (iii) necessary assurances that, where the state has relied on a local or regional government, agency, or instrumentality for the implementation of any plan provision, the state has responsibility for ensuring adequate implementation of such plan provision."

Utah's Infrastructure

SIP Section VI (*Intergovernmental Cooperation*) lists federal, state, and local agencies involved in protecting air quality in Utah. SIP Section VI was codified at R307-110-7, and EPA approved it most recently on June 25, 2003 at 68 FR 37744.

Section 110(a)(2)(F): Stationary Source Monitoring and Reporting

Requirement Summary

"Each such plan shall . . . require, as may be prescribed by the Administrator:

(i) the installation, maintenance, and replacement of equipment, and the implementation of other necessary steps, by owners or operators of stationary sources to monitor emissions from such sources,

(ii) periodic reports on the nature and amounts of emissions and emissions-related data from such source

(iii) correlation of such reports by the state agency with any emission limitations or standards established pursuant to this chapter, which reports shall be available at reasonable times for public inspection."

Utah's Infrastructure

SIP Section III (*Source Surveillance*) describes Utah's programs to monitor sources, including emission inventories, plant inspections, and emission testing. SIP Section III is codified at R307-110-4, and EPA approved it most recently on June 25, 2003 at 68 FR 37744.

R307-150 requires sources to submit periodic emission inventories for criteria pollutants and their precursors and hazardous pollutants. R307-150 was most recently approved by EPA on July 17, 1997, 62 FR 38215. Utah has submitted numerous changes to the inventory rule since that date to incorporate new federal requirements, such as the Consolidated Emission Reporting Rule (CERR), and EPA has not yet acted on any of these submittals.

R307-165 requires sources to conduct periodic tests to assure compliance with the emissions limitations established in approval orders or the SIP. R307-165 was most recently approved by EPA on February 14, 2006 at 71 FR 7679.

R307-170 requires certain large sources to install and maintain continuous emission monitors to assure compliance with emission limitations established in approval orders and the SIP. R307-170 was most recently approved by EPA on September 2, 2008, 73 FR 51222.

SIP Section II (*Review of New and Modified Air Pollution Sources*) provides that new or modified sources of air pollution must submit plans to the Utah Division of Air Quality and receive approval orders before operating. SIP Section II was codified at R307-110-3, and EPA approved it most recently on June 25, 2003 at 68 FR 37744. The Utah Air Quality Rule R307-401 establishes a minor source permitting program in the state for new and modified sources. R307-401 was most recently approved by EPA on May 5, 1995 at 60 FR 22277.

SIP Section VIII (*Prevention of Significant Deterioration*) was established as required by the Clean Air Act and applies to all air pollutants regulated under the CAA. SIP Section VIII was codified at R307-110-9 and R307-405, and EPA approved it most recently on July 15, 2011 at 76 FR 41712. On April 14, 2011 Utah submitted revisions to R307-405 to incorporate the federal

Tailoring Rule provisions that were promulgated on June 3, 2010. EPA has not yet acted upon this submittal.

Section 110(a)(2)(G): Emergency Episodes

Requirement Summary

"Each such plan shall provide for authority comparable to that in section 303 of this title and adequate contingency plans to implement such authority."

Utah's Infrastructure

SIP Section I (*Legal Authority*) identifies the statutory provisions to abate pollutant emissions on an emergency basis to prevent substantial endangerment to the health of persons (See I.A.1.g). The legal authority to implement SIP Section I is contained in the Utah Air Conservation Act Section 19-2-112. SIP Section I was codified at R307-110-2, and EPA approved it most recently on June 25, 2003 at 68 FR 37744.

SIP Section VII (*Prevention of Air Pollution Emergency Episodes*) provides the basis for taking action to prevent air pollutant concentrations from reaching levels which could endanger the public health or to abate such concentrations should they occur. The legal authority to implement SIP Section VII is contained in the Utah Air Conservation Act Section 19-2-112. SIP Section VII was codified at R307-110-8, and EPA approved it most recently on June 25, 2003 at 68 FR 37744.

Section 110(a)(2)(H): Future SIP revisions

Requirement Summary

"Each such plan shall . . . provide for revision of such plan--

(i) from time to time as may be necessary to take account of revisions of such national primary or secondary ambient air quality standard or the availability of improved or more expeditious methods of attaining such standard, and

(ii) except as provided in paragraph (3)(C), whenever the Administrator finds on the basis of information available to the Administrator that the plan is substantially inadequate to attain the national ambient air quality standard which it implements or to otherwise comply with any additional requirements established under this chapter (CAA)."

Utah's Infrastructure

SIP Section I (*Legal Authority*) identifies the statutory provisions that allow the Utah Division of Air Quality to revise its plans to take account of revisions of national ambient air quality standard and to adopt expeditious methods of attaining and maintaining such standard (See I.A.1.a). The legal authority to implement SIP Section I is contained in the Utah Air Conservation Act Section 19-2-112. SIP Section I was codified at R307-110-2, and EPA approved it most recently on June 25, 2003 at 68 FR 37744.

Section 110(a)(2)(J): Consultation with Government Officials

Requirement Summary

"meet the applicable requirements of section 121 (relating to consultation)"

Utah's Infrastructure

SIP Section I (*Legal Authority*) adopts requirements for transportation consultation (Section 174, Clean Air Act) (See I.A.2). SIP Section I was codified at R307-110-2, and EPA approved it most recently on June 25, 2003 at 68 FR 37744.

SIP Section VI (*Intergovernmental Cooperation*) provides a listing of federal, state, and local agencies involved in protecting air quality in Utah. SIP Section VI was codified at R307-110-7, and EPA approved it most recently on June 25, 2003 at 68 FR 37744.

SIP Section XII (*Transportation Conformity Consultation*) establishes the consultation procedures on transportation conformity issues when preparing state plans. SIP Section XII was codified at R307-110-20, and EPA approved it most recently on September 2, 2008 at 73 FR 51222.

Section 110(a)(2)(J): Public Notification

Requirement Summary

"meet the applicable requirements of section 127 of this title (relating to public notification)"

Utah's Infrastructure

SIP Section XVI (*Public Notification*) includes provisions to notify the public when NAAQS have been exceeded as per Section 127 of the CAA. SIP Section XVI was codified at R307-110-24, and EPA last approved it on June 25, 2003 at 68 FR 37744.

Section 110(a)(2)(J): PSD and Visibility Protection

Requirement Summary

"meet the applicable requirements of ... part C (relating to prevention of significant deterioration of air quality and visibility protection)"

Utah's Infrastructure

SIP Section VIII (*PSD*) describes the program to prevent significant deterioration of areas of the state where the air is clean. SIP Section VIII was codified at R307-110-9 and R307-405, and EPA approved SIP Section VIII and R307-405 most recently on July 15, 2011 at 76 FR 41712. Utah has also submitted further revisions to R307-405 to incorporate the federal Tailoring Rule provisions that were promulgated on June 3, 2010, and EPA has not yet acted on these revisions.

SIP Section XVII (*Visibility Protection*) describes the program to protect visibility, especially within the boundaries of the five national parks located in Utah. Authority for this section is located in Sections 19-2-101 and 104, UCA. SIP Section XVII was codified at R307-110-25, and EPA approved it most recently on June 25, 2003 at 68 FR 37744.

SIP Section XX (*Regional Haze*) addresses the requirements in Part C of the CAA relating to regional haze. The SIP was based on the recommendations of the Grand Canyon Visibility Transport Commission established by Section 169B(f) of the CAA. Authority for this section is located in Section 19-2-104, UCA. SIP Section XX was codified at R307-110-28. EPA signed a notice to approve the majority of Utah's Regional Haze plan in December 2012, but has not yet published this final action in the FR. In the same action, EPA disapproved the Best Available Retrofit Technology (BART) determinations for NO_x and PM for four subject to BART Electric Generating Units (EGUs). UDAQ is currently preparing a new 5-Factor BART analysis for these four EGUs to address the deficiencies identified in EPA disapproval.

Section 110(a)(2)(K): Air Quality Modeling or Data

Requirement Summary

*"Each such plan shall. . . provide for-- (i) the performance of such air quality modeling as the Administrator may prescribe for the purpose of predicting the effect on ambient air quality of any emissions of any air pollutant for which the Administrator has established a national ambient air quality standard, and
(ii) the submission, upon request, of data related to such air quality modeling to the Administrator."*

Utah's Infrastructure

Utah Air Quality Rule R307-405-13 incorporates the air quality model provisions of 40 CFR 52.21(l), which includes the air quality model requirements of appendix W of 40 CFR part 51. R307-110-9 codifies SIP Section VIII (*PSD*). EPA approved SIP Section VIII and R307-405 most recently on July 15, 2011 at 76 FR 41712. On April 14, 2011 Utah submitted revisions to R307-405 to incorporate the federal Tailoring Rule provisions that were promulgated on June 3, 2010. EPA has not yet acted upon this submittal.

SIP Section II (*Review of New and Modified Air Pollution Sources*) provides that new or modified sources of air pollution must submit plans to the Division of Air Quality and receive an Approval Order before operating. SIP Section II was codified at R307-110-3, and EPA approved it most recently on June 25, 2003 at 68 FR 37744.

R307-410 establishes the procedures and requirements for evaluating the emissions impact of new or modified sources that require an approval order under R307-401. EPA approved R307-410 most recently on July 8, 1994 at 59 FR 35036.

Section 110(a)(2)(L): Permitting Fees

Requirement Summary

"Each such plan shall require the owner or operator of each major stationary source to pay to the permitting authority, as a condition of any permit required under this chapter, a fee sufficient to cover--

*(i) the reasonable costs of reviewing and acting upon any application for such a permit, and
(ii) if the owner or operator receives a permit for such source, the reasonable costs of implementing and enforcing the terms and conditions of any such permit (not including any court costs or other costs associated with any enforcement action), until such fee requirement is superseded with respect to such sources by the Administrator's approval of a fee program under subchapter (title) V of this chapter."*

Utah's Infrastructure

SIP Section I (*Legal Authority*) identifies the statutory authority to charge a fee to major sources to cover permit and enforcement expenses (See I.A.1.h). SIP Section I was codified at R307-10-2, and EPA approved it most recently on June 25, 2003 at 68 FR 37744.

Utah Air Quality Rule R307-414, *Permits: Fees for Approval Orders*, requires the owner and operator of each new major source or major modification to pay a fee sufficient to cover the reasonable costs of reviewing and acting upon the notice of intent and implementing and enforcing requirements placed on such source by any approval order issued. EPA approved R307-414 most recently on February 14, 2006 at 71 FR 7679.

Utah's Title V Operating Permits Program (R307-415) was approved by EPA on June 8, 1995 at 60 FR 30192.

Section 110(a)(2)(M): Consultation or Participation by Affected Local Entities

Requirement Summary

"Each such plan shall . . . provide for consultation and participation by local political subdivisions affected by the plan."

Utah's Infrastructure

SIP Section VI (*Intergovernmental Cooperation*) lists federal, state, and local agencies involved in protecting air quality in Utah. SIP Section VI was codified at R307-110-7, and EPA approved it most recently on June 25, 2003 at 68 FR 37744.

SIP Section XII (*Transportation Conformity Consultation*) establishes the consultation procedures on transportation conformity issues when preparing state plans. SIP Section XII was codified at R307-110-2, and EPA approved it most recently on September 2, 2008 at 73 FR 51222.